

WAC 292-110-010 Use of state resources.

(1) **Statement of Principles - Stewardship** The proper stewardship of state resources, including funds, facilities, tools, property, and employees and their time, is a responsibility that all state officers and employees share. Accordingly, state employees may not use state resources for personal benefit or gain or for the benefit or gain of other individuals or outside organizations. Personal benefit or gain may include a use solely for personal convenience, or a use to avoid personal expense. Responsibility and accountability for the appropriate use of state resources ultimately rests with the individual state officer and state employee, or with the state officer or state employee who authorizes such use. Employees and officials are cautioned that their own personal use of state resources should never interfere with another state official or employee, or obligate another employee to make a personal use of state resources. In addition, state employees have an affirmative duty to ensure that any personal use of state resources is the most efficient in terms of time and resources.

(2) **Permitted Uses** Use of state resources that is reasonably related to the conduct of official state duties does not violate RCW 42.52.160. In addition, an agency head or designee may authorize a use of state resources that is related to an official state purpose but not directly related to an employee's official duty, for example, conducting an agency Combined Fund Campaign. Such uses shall be specifically authorized in writing and any use shall strictly conform to specific agency guidance.

(3) **Permitted Uses – Under Limited Circumstances** Extensive or repeated personal misuse of state resources, including state time, significantly undermines public trust in state government. Nevertheless, a very limited personal use of state resources that supports organizational effectiveness would not undermine public trust and confidence. ~~Accordingly, a~~An agency may authorize a specific use that promotes organizational effectiveness or enhances the job-related skills of a state officer or state employee. ~~Notwithstanding~~In addition, and notwithstanding the prohibition in RCW 42.52.160(1), but subject to WAC 292-110-010(6), a state officer or employee may make an occasional but limited use of state resources only if each of the following conditions are met:

- (a) There is little or no cost to the state;
- (b) Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources;
- (c) The use does not interfere with the performance of the officer's or employee's official duties;
- (d) The use does not disrupt or distract from the conduct of state business due to volume or frequency;
- (e) The use does not disrupt other state employees and does not obligate them to make a personal use of state resources; and
- (f) The use does not compromise the security or integrity of state property, information, or software.

(4) **Permitted use of computers, electronic mail, and the Internet** A state officer or employee may use state computers and other equipment to access computer networks or other databases, including the Internet and electronic mail, provided such use conforms to ethical standards under WAC 292-110-010(3) above, and the use is not otherwise prohibited under WAC 292-110-010(6) below. A state officer or employee may use state computers and other equipment to access the Internet only if the officer's or employee's agency has adopted a policy governing Internet access that is consistent with WAC 292-110-010(3) above and WAC 292-110-010(6) below.

(5) **No expectation of privacy** Electronic mail, facsimile transmissions, and voice mail are technologies that may create an electronic record. This is what separates these from other forms of communication such as a telephone conversation. An electronic record is reproducible and is therefore not private. Such records may be subject to disclosure under the public disclosure law, or may be disclosed for audit or legitimate state operational or management purposes.

(6) **Prohibited uses** The State Constitution, state and federal laws, and the Ethics in Public Service Act strictly prohibit certain private activity and certain uses of state resources. Any use of state resources to support such activity clearly undermines public confidence in state government and reflects negatively on state employees generally. This rule explicitly prohibits at all times the following private uses of state resources.

- (a) Any use for the purpose of conducting an outside business or private employment;
- (b) Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including but not limited to: a private business, a non-profit organization, or a political party (unless provided for by law or authorized by an agency head or designee);
- (c) Any use for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Such a use of state resources is specifically prohibited by [RCW 42.52.180](#), subject to the exceptions in [RCW 42.52.180\(2\)](#);
- (d) Any use for the purpose of participating in or assisting in an effort to lobby the state legislature, or a state agency head. Such a use of state resources is specifically prohibited by RCW 42.17.190, subject to the exceptions in RCW 42.17.190(3);
- (e) Any use related to conduct that is prohibited by a federal or state law or rule, or a state agency policy; [and](#)
- (f) Any private use of any state property that has been removed from state facilities or other official duty stations, even if there is no cost to the state.

(7) **Reimbursement for personal use** Establishing a system for reimbursement for private or personal use of state resources undermines the purpose of the Ethics in Public Service Act and imposes significant administrative burdens on state agencies. However, the Board recognizes that in some limited situations, such as officers or employees working at remote locations, a system of reimbursement may be appropriate. Any system of reimbursement must be established by the agency in advance and must result in no cost to the state, including administrative costs. To be

valid under this rule the board must approve any reimbursement system implemented by an agency.

(8) **Agency policies encouraged** State agencies are encouraged to adopt policies applying these principles to their unique circumstances. Agency policies that are approved by the board qualify for “safe harbor” under WAC 292-120-035. Nothing in this rule is intended to limit the ability of an agency to adopt policies that are more restrictive. However, violation of a more restrictive agency policy by itself will not constitute a violation of [RCW 42.52.160](#), it would constitute a violation of agency policy.

(9) **Frequently asked questions and examples** The Board maintains a list of frequently asked questions and examples that provide additional guidance regarding this rule. State officers and employees are encouraged to review this document at the Board’s website www.wa.gov/ethics or to request a copy of the document through the Board’s office.

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~~[Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.160(3). 98-08-054, § 292-110-010, filed 3/27/98, effective 4/27/98. Statutory Authority: RCW 42.52.160(3). 96-01-036, § 292-110-010, filed 12/13/95, effective 1/13/96.]~~